

U.S. Patent Application Serial No. **10/548,084**
Amendment filed August 12, 2008
Reply to OA dated May 13, 2008

REMARKS

Claims 1-8 are currently being examined in this application. Claims 1 and 6 stand rejected. Claims 2-5, 7, and 8 stand objected. The applicants thank the Examiner for indicating that claims 2-5, 7 and 8 contain allowable subject matter. Claim 1 has been amended in order to more particularly point out, and distinctly claim, the subject matter to which the applicants regard as their invention. Claims 2 and 7 have been amended to now read as independent claims, and claims 2-5, 7, and 8 are believed to be in allowable form. The applicants respectfully submit that no new matter has been added, and it is believed that these amendments are fully responsive to the Office Action dated **May 13, 2008**.

The office action objects to the specification for providing direct recitations to the claims (i.e. "According to the invention of claim 2," on page 7, first line). In response, the specification has been amended to refer to specific embodiments instead of particular claims. In view of these amendments, withdrawal of the outstanding objection to the specification is in order and respectfully solicited.

The office action has rejected claims 1 and 6 under 35 U.S.C. § 102(b) as being anticipated by Boteler et al. (U.S. Patent No. 3,175,473). The office action has also rejected claims 1 and 6 under 35 U.S.C. § 102(e) as being anticipated by Fukano (U.S. Patent Publication No. 2003/0201015 A1).

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Regarding Boteler et al., the office action asserts that elements 46, 76, 72, and 78 teach the working member for automatic operation of the valve member, and elements 94 and 100 teach the working member for manual operation of the valve member. However, the applicants submit that these elements are not combined in the manner of the present invention, and thus do not provide the benefit achieved by the present arrangement. Particularly, Boteler et al. uses the automatic means to comprise two plates (76, 78) that are pressed together to open and close the valve by working on the diaphragm 72. In manual operation according to Boteler et al., the spring rod 100 acts as the operation handle of the manual working member, acting upon the bearing plate 94 to the springs 90 and 92 (elastic member).

Regarding Fukano, the office action asserts that elements 76 and 72 teach the working member for automatic operation of the valve member, and element 18 teaches the working member for manual operation of the valve member. The automatic operation is carried out by a piston 72 and shaft 76. The manual operation occurs by use of the valve mechanism section 18 as described in paragraph [0030].

However, neither Boteler et al. nor Fukano teach working members that are interposed into each other, that is where one working member surrounds the other. Claim 1 is now amended to clarify how the automatic and manual operations are combined. In particular, claim 1 is amended

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such that the two members are movably fitted to each other. This amendment finds support in the specification at page 24, line 11, through page 25, line 23, among other places. As such, claim 1 is believed to be now patentable and in condition for allowance. Withdrawal of the § 102(b) rejections of claim 1 are now in order and respectfully solicited.

Because of its dependence on claim 1, claim 6 is not anticipated by Botelier et al. or Fukano, because neither reference teaches a tube-shaped body working members in automatic opening and closing, and a stem-shaped means in manual opening and closing. As such, claim 6 is now in condition for allowance. Withdrawal of the anticipation rejections of claim 6 under § 102(b) is now in order and respectfully solicited.

In addition to claims 2-5, 7 and 8 and in view of the aforementioned amendments and accompanying remarks, Claims 1 and 6 are believed to be patentable and in condition for allowance, which action, at an early date, is requested.

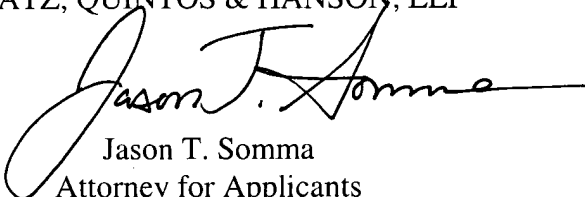
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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